

REMARKS

Claims 1-27 were pending at the time of the Office Action. All stand rejected.

Claim amendments

Claims 1 and 5 are amended above. Support for the amendment is found at Figures 1 and 3, as well as the specification at the last full paragraph of page 6 of the specification, bridging to page 7.

Drawings and specification amendment

As the Examiner has not repeated the objections and/or rejections to the drawings and specification, so the applicant understands these objections to be overcome and withdrawn.

Claim rejections under 35 U.S.C. 102

The Examiner has not repeated the rejection of claims 1-4, 5, 8-16 and 18-26 under 35 USC 102(b) as anticipated by US Patent 6,540,724 B1 to Harris ("Harris '724"), so this rejection is believed to be overcome.

Claim rejections under 35 U.S.C. 103

Before addressing the rejections, applicant respectfully notes that the Examiner has reminded the applicant of the need to advise the Examiner of any claims that do not have joint inventorship, so that the Examiner can properly apply 102(e), (f) or (g)/103(a) rejections. Although it is fully believed that all claims are jointly invented, this is a moot issue until there is a piece of prior art from one of the inventors against which that determination needs to be made. The undersigned attorney is not aware of either inventor having an applicable prior art reference that the Examiner can apply.

The Examiner has not repeated a rejection of claims 4, 6, 7, 17 and 27 as obvious over Harris '724 in view of US published application 2004/0186450 A1 to Hermansson ("Hermansson '450"), so that rejection is believed to be overcome.

The Examiner has rejected claims 1-5 and 8-27 as obvious over Harris '724 in view of US Pat 6,022,144 to Haussein ("Haussein '144") and US Pat 5,605,546 to Wolzinger ("Wolzinger '546"). Applicant respectfully traverses.

First, applicant respectfully notes that both Haussein '144 and Wolzinger '546 were art that were no more available to the present inventors when the present application was filed than they were to Harris when the Harris '724 application was filed. Applicant respectfully notes that Harris '724 is an unassigned patent and the present application, while assigned, is assigned to a small entity. Neither Harris '724 nor the present application is the result of organized industrial research. While the inventions are directed to devices that may be characterized as medical, they are not the type of sophisticated medical devices that require high levels of medical training. They are devices that arise from the keen observation of the respective inventors.

The applicant, in the background of the present invention, clearly distinguishes a device such as is taught by Harris '724, since the Harris-type device requires medical staff (or the patient) to use both hands to open the hook and loop type fastener. The device taught by the inventors and Harris is used to enclose a very critical access point to a patient. It is well known that a "central line", as the Harris device is taught to be useful for, is used only in very critical medical situations, the very nature of which testifies to the need for quick one-handed access.

A reading of the objects of the Harris '724 patent (at Col. 2, lines 31-45) make it clear that Harris '724 was much more interested in appearance and in providing a device that does not need to be secured to the body of the patient than effective functionality in a medical emergency. There is nothing in Harris '724 that would lead one to the teachings of the present invention.

Further, it is respectfully noted that the spring memory elements 26 and 27 of Haussein '144 are expressly taught as "being bowed in a relaxed state so as to define a concave surface portion 38 and an opposing convex surface portion 39. Col. 5, lines 11-14. In other words, the Haussein '144 closure is intended to be able to be maintained in an "open" position (see Col. 1, lines 60-65), which is contrary to the intention of the present invention, where the spring memory elements are in a normally closed flat condition against each other.

US Ser. No 11/811,500
Response to Final Rejection of 11 April 2008

Wolzinger '546 does nothing to provide the missing element of the claimed closure.

Accordingly, the applicant respectfully requests withdrawal of the present rejections and allowance of the claims.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Date: 7 July 2008

Respectfully submitted,
By: /Stephen L Grant, RegNo 33390/
Stephen L. Grant
Registration No. 33,390
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Facsimile: (614) 792-5536
sgrant@standleyllp.com